

Legislative Bulletin.....October 7, 2009

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H.J.Res. 26 - Proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously (*Rep. Kucinich, D-OH*)

Order of Business: The bill is scheduled to be considered on Wednesday, October 7, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.J.Res. 26 resolves that:

- “Casimir Pulaski is proclaimed to be an honorary citizen of the United States posthumously.”

The resolution lists a number of findings, including:

- “Casimir Pulaski was a Polish military officer who fought on the side of the American colonists against the British in the American Revolutionary War;
- “On September 15, 1777, George Washington elevated Casimir Pulaski to the rank of Brigadier General of the American Cavalry;
- “On the morning of October 9, 1779, Casimir Pulaski was mortally wounded and was taken aboard the American ship USS Wasp, where he died at sea on October 11, 1779;
- “Before the end of 1779, the Continental Congress resolved that a monument should be erected in honor of Casimir Pulaski;
- “In 1825, General Lafayette laid the cornerstone for the Casimir Pulaski monument in Savannah, Georgia; and

- “In 1929, Congress passed a resolution recognizing October 11 of each year as Pulaski Day in the United States.”

Additional Information: A related bill, S.J.Res. 12, passed the Senate on March 2, 2009 by Unanimous Consent.

Committee Action: H.J.Res.26 was introduced was introduced on March 2, 2009, and was referred to the House Committee on the Judiciary and the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, which held a markup and passed the amendment en bloc by voice vote.

Cost to Taxpayers: This resolution authorizes no expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 3590—Service Members Home Ownership Tax Act of 2009 (*Rangel, D-NY*)

Order of Business: The bill is scheduled to be considered on Wednesday, October 7, 2009, under a motion to suspend the rules and pass the bill.

Summary: The legislation is generally intended to increase the applicability of the first-time homebuyer tax credit for service members.

Waiver of recapture of credit for service members: The bill would waive the recapture of first-time homebuyer credit for members of the armed services who are on extended duty. This is intended to address the issue of military families not being able to take advantage of the credit (or being forced to repay the value of the credit) because they have to sell their house within three years due to orders to deploy elsewhere (the first-time homebuyer tax credit requires repayment if an individual does not stay in the home for three years).

One-year extension of homebuyer credit for service members: The legislation would also extend eligibility for the credit by an additional year (through December 1, 2010) for service members on extended duty outside the United States for at least 90 days in 2009. This is intended to address the issue of service members not being able to claim the credit because they were overseas during much of 2009.

S Corporation Penalties: The legislation increases the penalty for failing to file a partnership return on an S Corporation by \$21, from \$89 to \$110. In addition, the legislation uses a corporate estimate tax shift, budget gimmick. Though no score is available for this legislation, this is presumably intended to make the legislation technically compliant with PAYGO.

Background: The first-time homebuyer credit was created by the Housing and Economic Recovery Act of 2008, and allows a refundable tax credit of up to \$8,000 for first-time homebuyers after April 8, 2008 and before July 1, 2009. The so-called “stimulus” bill extended the credit’s applicability through November 30, 2009 and waived the repayment requirement in many instances.

Committee Action: The legislation was introduced on September 17, 2009 and referred to the House Ways and Means Committee, which took no official action.

Administration Position: A Statement of Administration Policy (SAP) for H.R. 3590 is not available at press time.

Cost to Taxpayers: No CBO score is available for H.R. 3590

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score listing any potential mandates is available.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No committee report listing any potential earmarks is available.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 1016— Veterans Health Care Budget Reform and Transparency Act (*Rep. Filner, D-CA*)

Order of Business: H.R. 1016 is scheduled to be considered on Wednesday, October 7, 2009, under a motion to suspend the rules and pass the resolution.

Major Changes Since the Last Time This Legislation Was Before the House:

The version the House will consider today maintains the major provisions previously included in the House-passed bill. Provisions that differ from the House-passed version include:

- Removal of the sense of Congress that: “the provision of health care services to veterans could be more effectively planned and managed if funding was provided for the management and provision of such services in the form of advance appropriations.”
- Removal of Information Technology Systems and Medical and Prosthetic Research as accounts that the President is required to submit estimates for.
- Removal of the requirement that the Secretary of Veterans Affairs submit a report to Congress, not later than 90 days after enactment, on the Secretary’s plans for:
 - improving the capability of the Department of Veterans Affairs to better and more accurately estimate future health care costs and demands; and
 - a description of impediments to providing future year estimates and advance appropriations for the accounts specified by the bill.

Summary: H.R. 1016 would authorize, beginning with fiscal year 2011, advance appropriations for certain accounts of the Department of Veterans Affairs. According to CBO, this authorization amounts to \$196.2 billion in the House-passed version over four years. The specific accounts are as follows:

- Medical Services
- Medical Support and Compliance
- Medical Facilities

The legislation requires the Secretary of Veterans Affairs to submit to Congress an annual report on the sufficiency of the Department’s resources for the next fiscal year. The bill requires the Comptroller General to conduct a study on “accuracy of VA medical care budget submission in relation to baseline health care model projections” and issue a report on this study not later than 120 days after submission of the President’s budget in 2011, 2012, and 2013.

Conservative Concerns: Historically, some conservatives have argued that the use of advance appropriations should be limited, and this legislation would greatly increase the use of this budgeting tool.

Committee Action: H.R. 1016 was introduced on February 12, 2009, and referred to the House Committee on Veterans' Affairs, which held a mark-up and ordered the legislation to be reported (as amended) by voice vote on June 10, 2009. The bill passed the House by a recorded vote of 409-1 on June 23, 2009 and passed the Senate in lieu of S. 423 with an amendment by unanimous consent on August 6, 2009.

Cost to Taxpayers: CBO projected that the legislation would authorize \$196.2 billion in the House version, and \$183.6 billion in the Senate version (both over four years, 2011-

2014). No CBO score is available for the version being considered today. The reason the legislation has this impact is because it authorizes appropriations for each fiscal year, plus advance appropriations for the following year.

Does the Bill Expand the Size and Scope of the Federal Government? Yes. The bill, by authorizing advance appropriations for certain veterans benefits, will likely cause an increase in total federal spending.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to the House Veterans' Affairs Committee, in House Report 111-171: "H.R. 1016 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives."

Constitutional Authority: The House Veterans' Affairs Committee, in House Report 111-171, cites constitutional authority in Article I, Section 8 of the Constitution, but does not cite a specific clause.

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S. 1717 — To authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010 (Sen. Akaka, D-HI)

Order of Business: S. 1717 is scheduled to be considered on Wednesday, October 7, 2009, under a motion to suspend the rules and pass the resolution.

Summary: S. 1717 would authorize appropriations of \$196,227,000 for the VA to carry out major medical facility leases for fiscal year 2010 at the following specified locations:

The specific accounts are as follows:

- Anderson, South Carolina, Outpatient Clinic, in an amount not to exceed \$4,774,000.
- Atlanta, Georgia, Specialty Care Clinic, in an amount not to exceed \$5,172,000.
- Bakersfield, California, Community Based Outpatient Clinic, in an amount not to exceed \$3,464,000.
- Birmingham, Alabama, Annex Clinic and Parking Garage, in an amount not to exceed \$6,279,000.
- Butler, Pennsylvania, Health Care Center, in an amount not to exceed \$16,482,000.
- Charlotte, North Carolina, Health Care Center, in an amount not to exceed \$30,457,000.

- Fayetteville, North Carolina, Health Care Center, in an amount not to exceed \$23,487,000.
- Huntsville, Alabama, Outpatient Clinic Expansion, in an amount not to exceed \$4,374,000.
- Kansas City, Kansas, Community Based Outpatient Clinic, in an amount not to exceed \$4,418,000.
- Loma Linda, California, Health Care Center, in an amount not to exceed \$31,154,000.
- McAllen, Texas, Outpatient Clinic, in an amount not to exceed \$4,444,000.
- Monterey, California, Health Care Center, in an amount not to exceed \$11,628,000.
- Montgomery, Alabama, Health Care Center, in an amount not to exceed \$9,943,000.
- Tallahassee, Florida, Outpatient Clinic, in an amount not to exceed \$13,165,000.
- Winston-Salem, North Carolina, Health Care Center, in an amount not to exceed \$26,986,000.

Committee Action: On September 25, 2009, S. 1717 was introduced in the Senate and passed by Unanimous Consent. It was then referred to the on September 29, 2009.

Cost to Taxpayers: No CBO score was available at press time; however the bill authorizes \$196,227,000 for FY2010.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No committee reporting citing the House earmark rule is available.

Constitutional Authority: No committee reporting citing the House earmark rule is available.

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H.R. 3547 – To designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the “Rex E. Lee Post Office Building” (Chaffetz, R-UT)

Order of Business: The bill is scheduled to be considered on Wednesday, October 7, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3547 would designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the “Rex E. Lee Post Office Building.”

Additional Information: Rex E. Lee grew up in St. John's, Arizona. He received his B.A. degree in 1960 from Brigham Young University (BYU) and his J.D. from the University of Chicago Law School in 1963. He also held five honorary Doctor of Law degrees. He was the 10th president of BYU from May 1989 through March 1996. Mr. Lee was the founding dean of the J. Reuben Clark Law School at BYU from 1971 to 1975. From 1975 to 1977 Mr. Lee served as assistant attorney general, Civil Division, for the United States Department of Justice. During the 1963 term of the United States Supreme Court, Lee served as a law clerk to Supreme Court Justice Byron R. White. Mr. Lee passed away on March 11, 1996.

Committee Action: H.R. 3547 was introduced on September 10, 2009, and referred to the House Committee on Oversight and Government Reform, the bill was considered en bloc and passed by voice vote.

Cost to Taxpayers: A CBO score for H.R. 3547 is unavailable, but the only costs associated with a U.S. federal building renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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H.R. 2174 – To designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the “Clyde Hichborn Post Office.” (*Michaud, D-ME*)

Order of Business: The bill is scheduled to be considered on Wednesday, October 7, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2174 would designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the “Clyde Hichborn Post Office.”

Additional Information: According to the sponsor’s office, Mr. Hichborn worked in the education field for 35 years before running a general store in LaGrange. During his lifetime, he was also a town manager, school superintendent, and school principal. He also served as Captain in the Adjutant General Corps in the U.S. Army during WWII. Mr. Hichborn also served 8 terms in the House of Representatives and 1 term in the Senate.

Committee Action: H.R. 2174 was introduced on April 29, 2009, and referred to the House Committee on Oversight and Government Reform. The bill was considered en bloc and passed by voice vote.

Cost to Taxpayers: A CBO score for H.R. 2174 is unavailable, but the only costs associated with a U.S. federal building renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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H.R. 2092—Kingman and Heritage Islands Act of 2009 ***(Del. Holmes Norton, D-DC)***

Order of Business: The bill is scheduled to be considered on Wednesday, October 7, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2092 amends current law to clarify that two islands located in the Anacostia River are allowed to be used by the District for recreational, educational, or environmental purposes. Originally conveyed to the District in 1997, the federal government has stated it has no desire to reclaim Kingman and Heritage Islands.

Addition Information: Under the National Children's Island Act passed into law in 1995, Kingman Island was originally reserved as a space for a children's theme park. Under a revised management plan, the District now wants dedicated for an environmental natural reserve park to restore the ecosystem of the Anacostia River. According to the bills' sponsor, the management plan calls for an Environmental Education Center, new paths and trails, boat and canoe docks, and a September 11th Remembrance Grove dedicated to children killed in the attacks.

Committee Action: On April 23, 2009, the bill was referred to the House Committee on Oversight and Government Reform. The committee held a mark-up on September 10, 2009, and the legislation was reported by unanimous consent.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: According to CBO, H.R 2092 would “have no significant impact on the federal budget and would not affect direct spending or revenues.”

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to Committee Report 111-275, “H.R. 2092 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(t) of rule XXI.”

Constitutional Authority: Committee Report 111-275 sites Article I, Section 8, Clauses 17 and 18 of the Constitution of the United States as the authority for Congress to enact this law.

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